

REMARKS

Applicant submits herewith a Petition and Fee for a Two-Month Extension of Time.

Claims 1-3, 6, and 8-21 are all the claims presently pending in the application. Claims 1, 2, 6 and 10 have been amended to more particularly define the invention. Claims 20-21 have been added.

It is noted that the claim amendments are made only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims or for any statutory requirements of patentability. Further, Applicant specifically states that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Claims 1 and 6 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Sannoh et al. (U. S. Patent Pub. No. 2003/0071908 A1) in view of Luo et al. (U. S. Patent 7,092,573).

Claims 2, 3 and 8-19 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Sannoh in view of Lobo et al. (U. S. Patent 5,835,616) and further in view of Luo.

These rejections are respectfully traversed in view of the following discussion.

I. THE CLAIMED INVENTION

The claimed invention (e.g., as recited in claim 1) is directed to an image processing method for performing image processing on image data. The method includes transferring the image data to a face identifying section of a device performing the image processing for generating face region information by identifying the face region from the image data, determining an operating mode of the device performing the image processing; transferring the face region information to a noise reduction section of the device for performing noise reduction on the face region of the image data based on the face region information, and controlling the face identifying section and the noise reduction section to be off when the determined operating mode includes other than a high-speed operating mode and a portrait operating mode.

(Application at page 5, line 18-page 6, line 12; page 10, lines 6-19).

Conventional devices perform a noise reduction on an entire image. However, this removes the edge component of a contour resulting in a flat image as a whole (Application at page 2, lines 12-19).

An exemplary aspect of the claimed invention, on the other hand, includes controlling the face identifying section and the noise reduction section to be off when the determined operating mode includes other than a high-speed operating mode and a portrait operating mode (Application at page 5, line 18-page 6, line 12; page 10, lines 6-19). These features may help to allow the invention to avoid removing an edge component in a mode other than a high-speed operating mode and a portrait operating mode.

II. THE ALLEGED PRIOR ART REFERENCES

A. Sannoh and Luo

The Examiner alleges that Sannoh would have been combined with Luo to form the invention of claims 1 and 6. Applicant submits, however, that these alleged references would not have been combined and even if combined, the combination would not teach or suggest each and every feature of the claimed invention.

Applicant submits that these alleged references are unrelated. Indeed, no person of ordinary skill in the art would have considered combining these disparate references, absent impermissible hindsight.

In fact, Applicant submits that the references provide no motivation or suggestion to urge the combination as alleged by the Examiner. Indeed, these references clearly do not teach or suggest their combination. Therefore, Applicant respectfully submits that one of ordinary skill in the art would not have been so motivated to combine the references as alleged by the Examiner. Therefore, the Examiner has failed to make a prima facie case of obviousness.

Moreover, neither Sannoh, nor Luo, nor any alleged combination thereof teaches or suggests "*controlling said face identifying section and said noise reduction section to be off when the determined operating mode comprises other than a high-speed operating mode and a portrait*

operating mode", as recited, for example, in claim 1 (Application at page 5, line 18-page 6, line 12; page 10, lines 6-19). As noted above, these features may help to allow the invention to avoid removing an edge component in a mode other than a high-speed operating mode and a portrait operating mode.

Clearly, this novel feature is not taught or suggested by Sannoh.

Indeed, Sannoh simply teaches that the CPU 115a executes a control program to carry out face detection (Sannoh at [0153]), judges if a photometric method has been set and if so, determines if optical intensity is to be measured only by a face portion (Sannoh at Figure 14A; [0159]). Sannoh teaches that face detection processing may be performed when a human object photographing mode is selected (Sannoh at [0136]).

However, nowhere does Sannoh teach or suggest that the CPU 115a controls a face identifying section and a noise reduction section to be off when a determined operating mode includes other than a high-speed operating mode and a portrait operating mode.

Likewise, this novel feature is not taught or suggested by Luo.

Indeed, Luo teaches that an image enhancement operation is selected from a collection of predetermined enhancement operations 44 (Luo at col. 7, lines 9-11; Figure 1). Importantly, the **amount of image enhancement is determined by the subject matter in the image**. That is, "[t]he amount of image enhancement applied to any particular image or any particular region in an image is selected to be appropriate for the specific image content" (Luo at col. 3, lines 56-67) (emphasis added).

That is, Luo teaches **not** that image enhancement is performed based on a determined operating mode, but instead, Luo teaches that image enhancement is performed **based on the content of the image**. That is, for example, Luo teaches determining the content of the image and performing image enhancement **when the content of the image includes human flesh** (Luo at col. 7, lines 20-31).

Thus, the "image enhancement operation" in Luo requires that "human flesh" be detected before the operation may "aggressively remove noise in image regions in which human flesh is detected. Thus, regardless of what "selected image enhancement" is applied in Luo, Luo teaches

that "detecting human flesh" must be performed.

Therefore, like Sannoh, nowhere does Luo teach or suggest controlling a face identifying section and a noise reduction section to be off when a determined operating mode includes other than a high-speed operating mode and a portrait operating mode. Therefore, Luo does not make up for the deficiencies of Sannoh.

Therefore, Applicant submits that these references would not have been combined and even if combined, the combination would not teach or suggest each and every feature of the claimed invention. Therefore, Applicant respectfully requests that the Examiner withdraw this rejection.

B. Lobo

The Examiner alleges that Sannoh would have been combined with Lobo and Luo to form the invention of claims 2, 3 and 8-19. Applicant submits, however, that these alleged references would not have been combined and even if combined, the combination would not teach or suggest each and every feature of the claimed invention.

Applicant submits that these alleged references are unrelated. Indeed, no person of ordinary skill in the art would have considered combining these disparate references, absent impermissible hindsight.

In fact, Applicant submits that the references provide no motivation or suggestion to urge the combination as alleged by the Examiner. Indeed, these references clearly do not teach or suggest their combination. Therefore, Applicant respectfully submits that one of ordinary skill in the art would not have been so motivated to combine the references as alleged by the Examiner. Therefore, the Examiner has failed to make a prima facie case of obviousness.

Moreover, neither Sannoh, nor Lobo, nor Luo nor any alleged combination thereof teaches or suggests *"controlling said face identifying section and said noise reduction section to be off when the determined operating mode comprises other than a high-speed operating mode and a portrait operating mode"*, as recited, for example, in claim 1 (Application at page 5, line 18-page 6, line 12; page 10, lines 6-19). As noted above, these features may help to allow the

invention to avoid removing an edge component in a mode other than a high-speed operating mode and a portrait operating mode

Clearly, this novel feature is not taught or suggested by Lobo.

Indeed, Lobo simply teaches a process for automatically finding a human face in a digital image (Lobo at Abstract). Nowhere does Lobo even teach or suggest a noise reduction section as in the claimed invention.

Therefore, like Sannoh and Luo, nowhere does Lobo teach or suggest controlling a face identifying section and a noise reduction section to be off when a determined operating mode includes other than a high-speed operating mode and a portrait operating mode. Therefore, Luo does not make up for the deficiencies of Sannoh.

Therefore, Lobo clearly does not make up for the deficiencies in Ray and Luo.

Therefore, Applicant submits that these references would not have been combined and even if combined, the combination would not teach or suggest each and every feature of the claimed invention. Therefore, Applicant respectfully request that the Examiner withdraw this rejection.

III. FORMAL MATTERS AND CONCLUSION


In view of the foregoing, Applicant submits that claims 1-3, 6 and 8-21, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

To the extent necessary for submitting this response, Applicant hereby petitions for an extension of time under 35 C. F. R. 1.136. The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

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